

Meeting No. 14
October 25, 2004
Hamburg Town Board Meeting
S-6100 South Park Avenue
Hamburg, New York 14075

Supervisor Hoak calls the meeting to order at 7:00 p.m.

Roll Call:	Patrick H. Hoak	Supervisor
	D. Mark Cavalcoli	Councilman
	Kathleen C. Hochul	Councilwoman
	Joan A. Kesner	Councilwoman
	Thomas Quatroche	Councilman
Also Present:	Catherine Rybczynski	Town Clerk
	James Spute	Finance Director
	Richard Boehm	Deputy Town Attorney
	Gerard Kapsiak	Town Engineer
	Drew Reilly	Planning Consultant
	Joseph Coggins	Police Chief
	James Connolly	Highway Superintendent
	Tim Ellis	Traffic Safety Consultant
	Martin Denecke	Director of Recreation
	Kurt Allen	Supervising Building Inspector

The Pledge of Allegiance was recited.

Information on Fire Exits was provided.

Councilwoman Hochul comments that this is a special evening in that once a year they take time out to recognize the many individuals and corporations that sponsor some of The Towns big events and really contribute to the character of the community. She is referring to the Blast on the Beach and the Townwide Clean-up. They had a small reception in the lobby to recognize the following sponsors: Key Bank, Benderson Development, New York State Electric and Gas, Wendel Duscherer, and R & D Engineering. She now wants to recognize individuals who demonstrate the characteristics that have been identified as the Character of the Month. They post these posters in the schools and around the Town. This is our opportunity to pay tribute to our Town employees who are the unsung heroes of our Town. She wants to recognize the individuals who were nominated by other Town employees. This month the Character Trait is Unity. Unity is valuing the strength of individuals working together to create a powerful force. The first recipient is Jim Connolly, Highway Superintendent, and the nomination says that he has combined the two individual forces of two separate Departments (Building and Grounds and Highway) into a powerful working force that is continually able to accomplish massive amounts of work and joint projects that greatly improve the Town. John Conlin, Police Captain, was nominated for many of his works, but in particular combining the Town and Village of Blasdell to present the National Night Out for Crime Prevention. This is a huge undertaking and he works with both communities, George Lee and individuals from Blasdell. The entire staff of the Adult Day Care has also been nominated. This staff consistently works together to provide excellent care to the Seniors of our community. Through their efforts they enhance the quality of life for these individuals by engaging them in meaningful activities promoting an atmosphere of caring and compassion in providing respite for caregivers. The individuals are as follows: Randy Hoak, Nancy Crowley, Laurie Felice, Dolores Hineman, Joan Kruszka, Brittany Kucala, Sharon Kucala, Cathy Lewis, Sandy Palmieri, Zora Schultz and Patty Wheelock. They truly deserve a lot of credit, what they do every day is something that some individuals could not comprehend. No other community in the State of New York provides this and they are the ones that make it all happen.

Supervisor Hoak comments that the Adult Day Cart is one of Hamburg's true gems. We were recognized nationally as one of the top 40 projects in the country for utilization of HUD dollars. Although they can implement that program it is up to these individuals to carry that out. He would encourage anyone, as a volunteer or spectator, to visit the Senior Day Care Center. It warms your heart to see the services they provide and the Town Board is proud of what they do.

Councilwoman Hochul asks that they all come forward to be recognized.

Rosemary McManus comments that they had one more nomination for Unity. She is a member of the Character First Government Committee and she asks George Lee to present the award.

George Lee, Deputy Mayor of Blasdell, presents the award jointly to the Hamburg Town Board. Who better than the Town Board members would value the strength of its employees and create the powerful workforce known as the Town of Hamburg employees. The Town Board has created this powerful employee system by working together over numerous years for the improvement of the Town. That is what the definition of Unity is.

Councilwoman Hochul announces that the month of September was sponsored by Senator Bill Stachowski. This Character Trait is Obediance and Truthfulness is sponsored by Erie County Legislator Kuwik.

7:00 p.m. Public Hearing to provide for the establishment of speed limits on or along any streets or highways within the Town of Hamburg.

Catherine Rybczynski, Town Clerk, reads the following legal notice as published in the Hamburg Sun and the Front Page:

**LEGAL NOTICE
TOWN OF HAMBURG
NOTICE OF HEARING ON PROPOSED LOCAL LAW #8, 2004**

PLEASE TAKE NOTICE that there has been presented to the Town Board of the Town of Hamburg on September 27, 2004, pursuant to the Municipal Home Rule Law, a proposed local law to be known as proposed local law #8, 2004; said local law provides for establishment of speed limits on or along any streets or highways within the Town of Hamburg.

THEREFORE, pursuant to the statutes and the provisions of the Municipal Home Rule Law, the Town Board of the Town of Hamburg will hold a public hearing on the 25th day of October, 2004 at 7:00 p.m. (local time), at which time all interested persons may be heard.

Dated: September 20, 2004

CATHERINE RYBCZYNSKI
Town Clerk
Town of Hamburg

There was no correspondence received.

Councilwoman Hochul comments that the genesis of this is that the Town Board learned in late August that the State Legislature, in order to balance their budget, decided to pass that burden on to our own taxpayers. She is referring to an action that states that any money that is received from issuing speeding tickets in the Town of Hamburg that are reduced to a lesser offense, as is often the case, they are now claiming those proceeds as their own. She feels that it is wrong of the State to try and get their hands in our pockets, it is something we resent and unfortunately it hits us to the tune of \$500,000 per year. That money is a serious hole in our budget at a time when the Town is struggling diligently to keep down our tax rates. To have the State come and take that money was unacceptable to the Town Board. They put their thoughts together and decided to consider a law that would allow the Town of Hamburg to establish the speed limits and the fines in our community. The next logical argument would be that if they establish the fines and speed limits, then if a Town of Hamburg Police Officer in a Town Police car issues a ticket on a Town road and brings them to Town Court all that money should remain in the Town of Hamburg. That is their bottom line and they are working to see this to the end. They still have a number of legal options and they are presenting a hearing on legislation that gives them the right to set those fees and also to institute the fines. They are having a public hearing this evening, no action will be taken, and they will be looking at all options. They were told that after the first two weeks after this came out, and all the uproar throughout New York State, that the State would consider repealing this. That is an action they may or may not be taking in November. If they repeal it, that's great, if they don't repeal it the Town is considering weighing their options. Even if they do repeal it this is something the Town may want to have on their books to protect themselves if they decide to try taking that money to Albany.

It is an action on the States part that the Town resents and they are not taking it laying down and are trying to do something about it. If they are successful with this, they believe other communities will follow. A lot of Towns have asked for a copy of the legislation, but it is under development right now. It is important that they make it legally sound before they enact it. They did want to tell the Governor, however, that the responsibility falls back on him and any criticism belongs to him.

I.

RESOLVED, that the Town Board table the motion at this time.

Moved: Hochul

Seconded: Kesner

Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche

Noes: None

Carried

Supervisor Hoak comments that 92% of tickets issued in the Town of Hamburg are by the Town of Hamburg Police Department and 8% are by outside Police agencies. We do the work, we provide the offices and Court room for this and they feel that the money should stay were it is originally from.

Joe Kilian questions if the speed limits will be the same as the State or will they lower them.

Richard Boehm, Deputy Town Attorney, responds that if you look at section 265 of the Town Code you will find page after page of roads that we have already set speed limits on. Villages are allowed to set their own speed limits and in fact the Village of Hamburg has its own ordinance on speeding. If you get caught speeding in the Village of Hamburg you are not charged under New York State Vehicle and Traffic Law, you are charged under the Village Law and they get to keep all the money. That is what they are exploring and this is a preemptive start to this. If they find they run into a roadblock they have recourse to go to legislature and ask them to give them the same rights that they have given Villages in the State. This is a start. No speed limits will be changed by this because they have 10 to 12 pages where they have either changed speed limits or gotten permission from the County to change speed limits, so the preamble to this is that they are setting the minimum at 30 mph, but they have already addressed most of the roads.

Councilwoman Hochul comments that Joe is asking about Route 5.

Mr. Boehm comments that with the initial research, it is pretty clear that they can't set speed limits on State roads. That is in the Vehicle and Traffic Laws, but it is somewhat gray when it comes to County roads and grayer when it comes to Town roads.

Councilwoman Hochul comments that was her first objective, to see if they had the legal authority to set the speed limits on the roads as well as keep the money. However, further research showed that unless there was an act of legislature giving the Town the same rights as Villages they could not do this. She feels that the State should amend this and they will be asking the State Delegation to consider this as well.

Catherine Rybczynski, Town Clerk, reads the following notice as published in the Hamburg Sun and the Front Page:

PLEASE TAKE NOTICE that there has been presented to the Town Board on September 27, 2004, pursuant to the Municipal Home Rule Law, a proposed local law to be known as proposed local law #9, 2004; said local law provides for the amendment of Local Law #10, 1986, Chapter 280-entitled Zoning, and provides substantially as follows:

Certificate of Complete Record Search, County of Erie against all that plot of land situated in the Town of Hamburg, County of Erie and State of New York, being Part of Lot Number fifty-six (56), Township Nine (9), Range Seven (7) of the Holland Land Company's Survey bounded and described as follows:

Excepting and Reserving from the above described premises the lands taken by the State of New York and described in Notices recorded in the Erie County Clerk's Office in Liber 3948 of Deeds at page 404 and Liber 3963 of Deeds at page 374.

Dated: September 27, 2004 Catherine Rybczynski
Town Clerk
Town of Hamburg

1. This is a unique piece of property with a lot of history.
2. The proposal provides an effective use of the property.
3. The proposal meets all of the objectives as required by the Town of Hamburg.

Supervisor Hoak comments that this is a down zoning going from C-3 to H-C Zoning. This belongs to the Penfold family who operated CID and have been a major benefactor to the Town of Hamburg and Western New York. They are looking to put in a coffee and tea shop for showers and parties. They want to preserve the history of this home. It is at the corner of Big Tree and South Park and this would be an asset to our community.

Councilman Cavalcoli comments that to date there have been no public concerns from anyone. The Planning Board has reviewed this and it is in conformance with the Master Plan. To have a Victorian Tea room in the area is certainly an upgrade and will provide a facility that we don't have. This is a high class operation and the quality of work they put into this to restore the building is proof enough of their diligence in wanting to have a nice property. He supports this and if there is no objection he wants to adopt this tonight as a late resolution.

Supervisor Hoak asks if there are any comments from the floor.

Richard Ryan, 4533 South Park, comments that he is four lots down the street on South Park. He is concerned about the traffic. During the summer, when his windows are open, he hears the screeching of tires just about every day. What is going to happen to the people going south on South Park trying to make a left hand turn into this parking lot.

Mr. Reilly comments that they are down zoning. Presently, the way it is zoned now, there could be an eight story office building on this site. They want to convert this into a tea room that would have less usage than it has been on the past. They feel this will be a nonintrusive use for this piece of property and so the Planning Board highly recommends this. With the Comprehensive Plan, the Town is removing all C-3 zoning from the Town. There are very few properties left with this zoning. The H-C zoning preserves the property and has a very low intensive use on the property. They are as concerned about the traffic on South Park as Mr. Ryan.

Councilwoman Hochul questions if there is any opportunity, with the H-C zoning, for them to put another building in on any other parcel that is part of the land. Can they build out on the rest of the land or does this restrict that.

Drew responds that the rezoning is for this building. This will preserve the two buildings that are on site and prevent a future owner from expanding. The H-C has a limit on the size and it talks about protecting the surrounding residential area.

Councilman Cavalcoli comments that it is more in conformance with the residential area.

Drew comments that they actually considered Neighborhood Commercial and H-C. They thought that the H-C was more restrictive.

Councilman Quatroche comments that it sounds like there is a problem at that intersection, regardless of this rezoning. He questions if this has been addressed by Traffic Safety.

Drew responds that Route 62 is a problematic road and that is why the State is looking at doing improvements to it.

Councilwoman Hochul comments that she would support this as well, it is limited in hours and is a pretty innocuous business and will be a wonderful addition to our town.

Councilman Quatroche comments that if Mr. Ryan could put his concerns in writing and submit them to Tim Ellis the Traffic Safety Coordinator. Those comments are helpful when talking to the DOT.

Bob Reynolds comments that he was on the Planning Board and they explained that this is just for special occasions and showers. It would not be open all the time. Traffic will be limited to that.

II.

RESOLVED, that the Town Board close the public hearing at this time.

Moved: Hoak

Seconded: Cavalcoli

Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche

Noes: None

Carried

7:30 p.m. Public Hearing providing for the amendment of Local Law #12, 1968, entitled “Shopping Centers and Other Areas of Assembly: Traffic Regulations” by adding one new location.

LEGAL NOTICE
TOWN OF HAMBURG
NOTICE OF HEARING PROPOSED LOCAL LAW # 10, 2004

PLEASE TAKE NOTICE that there has been presented to the Town Board of the Town of Hamburg, on September 27, 2004, pursuant to the Municipal Home Rule Law, a proposed local law to be known as proposed local law #10, 2004; this local law provides for the amendment of Local Law #12, 1968, entitled “Shopping Centers and Other Areas of Assembly: Traffic Regulations;” by adding thereto one new location as follows:

RD Murray Fire Apparatus, Inc.
4760 Camp Road
Hamburg, New York 14075

Therefore, pursuant to the statutes and the provisions of the Municipal Home Rule Law, the Town Board of the Town of Hamburg will hold a public hearing on the aforesaid law, at the Hamburg Town Hall, 6100 South Park Avenue, Hamburg, New York, at 7:30 p.m. (local time) on the 25th day of October, 2004, at which time all person interested may be heard.

Dated: September 27, 2004

Catherine Rybczynski
Town Clerk
Town of Hamburg

There is one item of correspondence from Tim Ellis, Traffic Safety Coordinator, stating that the Traffic Safety Board supports RD Murray’s request for inclusion under Local Law #12.

Supervisor Hoak asks if there are any comments from the floor. Hearing none he makes the following motion:

III.

RESOLVED, that the Town Board close the public hearing at this time.

IV.

WHEREAS, in compliance with Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act - SEQRA) of the Environmental Conservation Law, the Hamburg Town Board has reviewed the request of Karen E. Penfold to rezone the property at 4588 South Park Avenue from C-3 (Office District) to H-C (Hamburg Commercial District) and

WHEREAS, the Town held a Public Hearing and received a positive recommendation from the Planning Board, and

WHEREAS, the rezoning will not adversely affect the natural resources of the State and/or health, safety, and welfare of the public, and is consistent with social and economic considerations.

NOW THEREFORE BE IT RESOLVED, that the Town of Hamburg has determined that the proposed rezoning is not anticipated to result in any significant effect on the environment, and that a Negative Declaration (Notice of Determination of Non-Significance) is hereby issued.

BE IT FURTHER RESOLVED, that the Supervisor be authorized to sign the EAF.

Moved: Cavalcoli

Seconded: Quatroche

Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche

Noes: None

Carried

V.

WHEREAS, the Town of Hamburg has received a rezoning request from Karen E. Penfold for the rezoning of property located at 4588 South Park Avenue from C-3 (Office District) to H-C (Hamburg Commercial District), and

WHEREAS, the Town has held the appropriate Public Hearing and has issued a SEQR Negative Declaration, and

WHEREAS, the Town of hamburg wishes to rezone this parcel from C-3 to H-C for the following reasons:

1. The rezoning is in accordance with the Town's Comprehensive Plan, the C-3 zoning district has been recommended for elimination, and the H-C District meets the objectives of this area.
2. The Planning Board has recommended its approval based upon the following: This is a unique piece of property which can be protected by this rezoning, the proposal provides an effective use of the property, and the rezoning meets the objectives of the Town.

THEREFORE BE IT RESOLVED, that the Zoning Code of the Town of Hamburg be amended as follows:

To amend Local Law #10 of the year 1986 of the Code of the Town of Hamburg entitled "Zoning" to provide a change in the boundary of the Zoning map whereby the zoning is changed from C-3 (Office District) to H-C (Hamburg Commercial District) for the property located at 4588 South Park Avenue, as described as follows:

Certificate of Complete Record Search, County of Erie against all that plot of land situated in the Town of Hamburg, County of Erie and State of New York, being Part of Lot Number fifty-six (56), Township Nine (9), Range Seven (7) of the Holland Land Company's Survey bounded and described as follows:

Beginning at the intersection of the easterly line of South Park Avenue with the northerly line of Big Tree Road and running thence northerly along the easterly line of said South Park Avenue one hundred ninety-two and three hundredths (192.03) feet to a point; thence easterly on a line making an interior angle of ninety-two (92) degrees, fifteen (15) minutes, one hundred seventy-eight and eleven hundredths (178.11) feet to a point; thence continuing easterly on a line deflecting three (3) degrees southerly two hundred forty-one (241) feet to the center line of Rush Creek; thence southeasterly on a line making an interior angle of one hundred seven (107) degrees, forty-nine (49) minutes, forty (40) seconds, three hundred forty-four and fifty-five hundredths (344.55) feet to a point in the northerly line of Big Tree Road five hundred nineteen and thirty-four hundredths (519.34) feet southeasterly from the point of beginning; thence northwesterly along the northerly line of said Big Tree Road five hundred nineteen and thirty-four hundredths (519.34) feet to the place of beginning.

Excepting and Reserving from the above described premises the lands taken by the State of New York and described in Notices recorded in the Erie County Clerk's Office in Liber 3948 of Deeds at page 404 and Liber 3963 of Deeds at page 374.

Moved: Cavalcoli

Seconded: Kesner

Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche

Noes: None

Carried

VI.

RESOLVED, that the Town Board approve the minutes from the following meetings:

September 13, 2004	Town Board Meeting
September 20, 2004	Work Session
September 27, 2004	Public Hearing - Fire Contracts
October 4, 2004	Work Session
October 18, 2004	Work Session

Moved: Hochul

Seconded: Quatroche

Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche

Noes: None

Carried

VII.

WHEREAS, the Town of Hamburg has received a rezoning application from Thomas Tasseff for the rezoning of approximately 57 acres of land located east of Ridgefield Terrace, Beubein Drive and Tasseff Terrace, from R-A (Residential Agricultural) to R-1 (Single Family Residence District) and

WHEREAS, the Hamburg Planning Department and Zoning Code Review Committee have reviewed this application with respect to the Town's adopted Comprehensive Plan, and

WHEREAS, the Planning Department issued a report on this application and the Zoning Committee reviewed this report and the application , and

WHEREAS, the rezoning and proposed development are wholly not in conformance with the Comprehensive Plan,

NOW THEREFORE BE IT RESOLVED, that the Town Board finds no merit in this application due to its non-conformity with the Comprehensive Plan, and

BE IT FURTHER RESOLVED, that the Town Board cannot entertain this rezoning request and authorizes the Planning Department to return the application and fee to the applicant.

Moved: Cavalcoli

Seconded: Hochul

Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche

Noes: None

Carried

Councilwoman Hochul wants to commend Councilman Cavalcoli and the members of the Planning and Zoning Committee for rejecting this. It may seem that every zoning application that comes in is approved, but that is not the case. A lot of people are trying to rezone our precious and limited agricultural land for more housing and here is an opportunity where they could have gone forward and rezoned 57 acres and really increased the density and additional housing and the decision made tonight was no. this is a policy they started a few years ago, under Councilman Cavalcoli's leadership, and this is significant because they are holding the line on further development. Councilman Cavalcoli states that in fairness to the applicant and knowing that it would not meet the objectives of the Town Board and the Comprehensive Plan, this saves them the time effort and money. However they do have the opportunity to resubmit an application that may be in conformance. This says to the applicant to go back and do your homework and do it according to the plan that is already in place and if not move on to something else.

Councilwoman Hochul responds that they are the first line of defense against fuller development and this is working very well.

VIII.

At a meeting of the Town Board
Of the Town of Hamburg, held at
the Town Hall, S-6100 South
Park Avenue, Hamburg, New York
On the 25th day of October 2004.

PRESENT: PATRICK H. HOAK,	Supervisor
D. MARK CAVALCOLI,	Council member
KATHLEEN COURTNEY HOCHUL,	Council member
JOAN A. KESNER,	Council member
THOMAS J. QUATROCHE, JR.,	Council member

On a motion of Councilmember Cavalcoli, seconded by Councilmember Kesner the following resolution was proposed:

WHEREAS, JAMES F. CONNOLLY, Superintendent of Highways, states that all those parts of certain Town highways hereinafter designated have not been opened or worked for more that six (6) years last past, and have not been traveled, or have been abandoned by the public and have never been used as a public highway to wit:

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Hamburg, County of Erie and State of New York, being part of Lot Number 48, Township 9, Range 7 of the Holland Land Company's Survey, described as follows:

BEGINNING at the point of intersection of the westerly bounds of Highland Parkway and the southeasterly corner of Subdivision Lot 144 as shown on a Map Cover filed under cover number 925 in the Erie County Clerk's Office; THENCE northeasterly along the westerly bounds of Highland Parkway and the easterly bounds of Subdivision Lots 144, 143 and 142 to the point of intersection of the westerly bounds of Highland Parkway and the south bounds of Dorchester Parkway; THENCE east along the extension of the south bounds of Dorchester Parkway to the point of intersection of said line with the westerly bounds of Brompton Parkway; THENCE southeasterly along the westerly bounds of Brompton Parkway to the point of intersection with the easterly bounds of Highland Parkway; THENCE southwesterly along the easterly bounds of Highland Parkway to the point of intersection of said easterly bounds with the northerly bounds of Sheldon Road having a width of 49.50 feet; THENCE southwesterly along the northerly bounds of Sheldon Road to the point of intersection with the southeasterly extension of the southerly line of Subdivision Lot 144; THENCE northwesterly along said extension to the place or point of beginning.

ALSO THAT PARCEL OF HIGHWAY BEGINNING at the point intersection of the northerly bounds of Dorchester Parkway and westerly bounds of Highland Parkway, said point being the southeasterly corner of Subdivision Lot Number 141 as shown on a Map Cover filed under cover number 925 in the Erie County Clerk's Office; THENCE northerly along the westerly bounds of Highland Parkway to the northeasterly of Subdivision Lot Number 141; THENCE easterly along the easterly extension of the northerly line of Subdivision Lot Number 141 to the point of intersection of said line and the westerly bounds of Brompton Parkway; THENCE southeasterly along the westerly bounds of Brompton Parkway to the point of intersection of the said line with the northerly bounds of Dorchester Parkway; THENCE westerly along the northerly bounds of Dorchester Parkway to the place or point of beginning.

As a condition of this transfer, Grantee acknowledges and Grantor hereby declares that all utilities that may presently have installations upon the above-described premises are hereby deemed to have a permanent easement for occupation, access, operation and maintenance of their existing facilities in their current locations.

BE IT RESOLVED that the members of the Town Board, constituting the whole thereof, consent to the making and filing of the necessary certificate that this highway be and hereby is abandoned, pursuant to Section 205 of the Highway Law, and

BE IT FURTHER RESOLVED that all members of the Town Board of the Town of Hamburg subscribe the certification.

ROLL CALL

Supervisor Hoak
Councilman Cavalcoli
Councilwoman Hochul
Councilwoman Kesner
Councilman Quatroche

VOTING

Aye
Aye
Aye
Aye
Aye

The foregoing certification was duly adopted at said Town Board meeting,
unanimously.

Catherine Rybczynski, Town Clerk

ACKNOWLEDGMENT

STATE OF NEW YORK) SS
COUNTY OF ERIE)

I, CATHERINE RYBCZYNSKI, DO HEREBY CERTIFY that I am the duly elected and acting Town Clerk of the Town of Hamburg, Erie County, New York; that the foregoing is a true and exact copy of a resolution adopted at a meeting of the Town Board held on the 25th day of October, 2004; and

I DO FURTHER CERTIFY that said meeting was called and held, and a quorum was present thereat.

IN WITNESS THEREOF, I have hereunto set my hand and affixed the seal of the Town of Hamburg this 25th day of October 2004.

CATHERINE RYBCZYNSKI
Town Clerk
Town of Hamburg

CERTIFICATION

I, THE UNDERSIGNED, JAMES F. CONNOLLY, Superintendent of Highways of the Town of Hamburg, in the County of Erie, State of New York, hereby certify that all those parts or certain Town highways hereinafter designated have not been opened or worked for more than six (6) years last past, and have not been traveled, or have been abandoned by the public and have never been used as a public highway to wit:

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Hamburg, County of Erie and State of New York, being part of Lot Number 48, Township 9, Range 7 of the Holland Land Company's Survey, described as follows:

BEGINNING at the point of intersection of the westerly bounds of Highland Parkway and the southeasterly corner of Subdivision Lot 144 as shown on a Map Cover filed under cover number 925 in the Erie County Clerk's Office; THENCE northeasterly along the westerly bounds of Highland Parkway and the easterly bounds of Subdivision Lots 144, 143 and 142 to the point of intersection of the westerly bounds of Highland Parkway and the south bounds of Dorchester Parkway; THENCE east along the extension of the south bounds of Dorchester Parkway to the point of intersection of said line with the westerly bounds of Brompton Parkway; THENCE southeasterly along the westerly bounds of Brompton Parkway to the point of intersection with the easterly bounds of Highland Parkway; THENCE southwesterly along the easterly bounds of Highland Parkway to the point of intersection of said easterly bounds southwesterly along the northerly bounds of Sheldon Road having a width of 49.50 feet; THENCE southwesterly along the northerly bounds of Sheldon Road to the point of intersection with the southeasterly extension of the southerly line of Subdivision Lot 144; THENCE northwesterly along said extension to the place or point of beginning.

ALSO THAT PARCEL OF HIGHWAY BEGINNING at the point intersection of the northerly bounds of Dorchester Parkway and westerly bounds of Highland Parkway, said point being the southeasterly corner of Subdivision Lot Number 141 as shown on a Map Cover filed under cover number 925 in the Erie County Clerk's Office; THENCE northerly along the westerly bounds of Highland Parkway to the northeasterly of Subdivision Lot Number 141; THENCE easterly along the easterly extension of the northerly line of Subdivision Lot Number 141 to the point of intersection of said line and the westerly bounds of Brompton Parkway; THENCE southeasterly along the westerly bounds of Brompton Parkway to the point of intersection of the said line with the northerly bounds of Dorchester Parkway; THENCE westerly along the northerly bounds of Dorchester Parkway to the place or point of beginning.

As a condition of this transfer, grantee acknowledges and Grantor hereby declares that all utilities who may presently have installations upon the above-described premises are hereby deemed to have a permanent easement for occupation, access, operation and maintenance of their existing facilities in their current locations.

ALSO, we the undersigned members of the Town Board, constituting the whole thereof, do hereby consent to the making and filing of this certificate and do hereby execute the same.

THEREFORE, pursuant to Section 205 of the Highway Law, said highway is declared to be and hereby is discontinued.

Dated: October 25, 2004

JAMES F. CONNOLLY
Superintendent of Highways

TOWN BOARD OF THE TOWN OF HAMBURG
BY:

PATRICK H. HOAK, Supervisor

D. MARK CAVALCOLI, Councilman

KATHLEEN HOCHUL, Councilwoman

JOAN A. KESNER, Councilwoman

THOMAS J. QUATROCHE, JR., Councilman

ACKNOWLEDGMENT

STATE OF NEW YORK) SS
COUNTY OF ERIE)

I, Catherine Rybczynski, DO HEREBY CERTIFY that I am the duly elected and acting Town Clerk of the Town of Hamburg, Erie County, New York; that the foregoing is a true and exact copy of a resolution adopted at a meeting of the Town Board held on the 25th day of October, 2004; and

I DO FURTHER CERTIFY that said meeting was called and held, and a quorum was present thereat.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Hamburg this 25th day of October 2004.

CATHERINE RYBCZYNSKI
Town Clerk
Town of Hamburg

Councilwoman Hochul questions if there were adjacent property owners that were interested in this. Drew Reilly comments that this has to do with a subdivision. There was a gentlemen who attended many Planning Board meetings because he was very concerned about this. He is on one of those paper streets and was concerned that by the abandonment of one of those roads that he would give up access to his property. But he still has access through other paper streets. The Traffic Safety Board looked at it and said if they are going to abandon those roads that basically the roads proposed to be abandoned are not useful and would never be built. We will not be landlocking him. The Planning Board assured him of that.

BE IT RESOLVED, that the Town Clerk is authorized to advertise for a public hearing on Proposed Local Law #11, 2004. The proposed local law is to amend Chapter 100, Dogs, Section 100-8 License Fees.

Moved: Hochul Seconded: Quatroche
Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche
 Noes: None
 Carried

Moved: Cavalcoli Seconded: Kesner
Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche
 Noes: None
 Carried

Moved: Cavalcoli
 Seconded: Quatroche
 Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche
 Noes: None
 Carried

XII.

WHEREAS, the installation of the traffic signal at the intersection of Legion Drive and Division Street was inspected by FRA Engineering, P.C., who has certified that the work has been satisfactorily completed in accordance with the plans and specifications for the project, and all contract close-out submittal requirements have been complied with.

THEREFORE BE IT RESOLVED, that the Town Board accepts this contract as complete, and approves the release of final payment, including retention. The total amount paid under this contract is \$56,470, which is the originally awarded contract amount of Spoth Enterprises, Inc., the contractor for this project. An additional \$1,550 is also approved to be paid to Spoth Enterprises for additional work which was necessary in order to bring the crosswalk ramps and adjacent sidewalks into compliance with ADA standards.

BE IT FURTHER RESOLVED, that the Town Clerk provide the Engineering Department with two certified copies of this resolution, for transmittal to Erie County and the Village of Hamburg, who cooperated with the Town of Hamburg in this project.

Moved: Hochul Seconded: Quatroche
Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche
 Noes: None
 Carried

Councilwoman Hochul comments that this was a unique precautionary arrangement they had with the County of Erie, through Jeanne Chase, the Village of Hamburg and the Town. They split the cost three ways because it is in all three jurisdictions. She received the last check from the County and we are all set with this. This concludes an eight year process.

RESOLVED, that the Town Board approve the Audit of Cash Disbursements as follows:

OPERATING FUND:

PRTRN #22	\$541,614.08
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TOTAL OPERATING FUND DISBURSEMENTS: \$1,391,961.44

BATCH #55	\$533,120.71	
BATCH #56	\$ 10,209.40	570550 - 575575
BATCH #57	\$ 1,500.00	570576
BATCH #58	\$ 75.00	570577

TOTAL TRUST & AGENCY DISBURSEMENTS:	\$ 544,905.11
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BATCH #78	\$1,700,000.00	720458 - 720460
BATCH #79	\$ 4,804.20	720461 - 720463

TOTAL CAPITAL FUND DISBURSEMENTS: **\$1,704,804.20**

P/R #22	\$504,762.27
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TOTAL PAYROLL DISBURSEMENTS: \$ 504,762.27

TOTAL PETTY CASH DISBURSEMENTS:	\$	0.00
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TOTAL CASH DISBURSEMENTS SUBMITTED FOR AUDIT: \$4,146,433.02

[illegible]

RESOLVED, that the Town Board authorizes the Building and Grounds Department to advertise for bids on the purchase or lease of the following:

One - Used Fork Lift

Three - 4 x 4 Crew Cabs with Plows

One- One Ton Dump Truck with Plow

Two - Z-Track Mowers

Moved: Quatroche
Seconded: Kesner
Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche
Noes: None
Carried

Correspondence

Letters 98 & 103 - Councilwoman Hochul comments that these go together. This is in response to a letter they sent to Congressman Quinn asking for his help with the Federal Railroad Administration trying to help establish quiet zones in the Town. They have been investigating and are excited about the opportunity but there is a big price tag associated. This is a Federal Law that is causing it so they decided to ask for Federal support. We are hoping that they will assist us with the financing of this because it is something they want to pursue and see realized. This is backed up by the petitions in letter 103. There are an additional 217 signatures from residents in the vicinity of Rogers Road and she appreciates their support. Mr. Kapsiak has taken the lead on this and there are a lot of requirements on the Town's part with paperwork and accident reporting. They also need to work closely with the railroad companies which historically have not cooperated with the Town in the past. So this will be a little bit of an undertaking but she wants the residents to know it is being aggressively pursued.

Letter 94 - Supervisor Hoak commenting on the fine job that the Community Development Department is doing. He asks that this go into the personnel folders for recognition.

Letter 95 - Supervisor Hoak comments that this is concerning the great job of Barb Scheffler in dealing with the Senior indoor pool. He asks that this go into the personnel file of Barb along with Priscilla and Joe.

Letter 96 - Supervisor Hoak comments that this is from a resident thanking Building Inspectors Tim and Kurt. He asks that this go in their personnel file.

Letter 97 & 100 - Supervisor Hoak comments that this is from Senator Volker saying that he supports the Senate Majority's initiative to repeal legislation that enables the state to collect funds from traffic fines. It is very important to have his support. Letter 100 acknowledges receipt of a resolution the Town adopted backing this up.

Letter 101 - Supervisor Hoak comments that this should be placed in the personnel files of Officer Pupo and Officer Springer.

Letter 105 - Supervisor Hoak comments that this is from Michael Kamery commenting on the big garbage pick-up and saying they are going to discuss this later. He asks Mr. Connolly to send a response to Mr. Kamery.

Late Correspondence

105a - To Supervisor Hoak from Assemblyman Richard Smith stating that he is pleased to advise the Town that he was able to secure Community Capital Assistance Program grant funds in the amount of \$250,000.00. These funds are proposed to be dedicated to waterfront development at the old Foit's location. We are looking to have a beautiful scenic overlook and they thank Mr. Smith for all his efforts on this.

Reports From Town Board Members and Department Heads

Councilman Cavalcoli comments that it is evident with the receipt of many of the letters in correspondence that the Town of Hamburg is extremely blessed to have the Department Heads who run their Departments and guide their employees. These employees do their job day in and day out without a lot of complaints and yet they get a tremendous amount of response from the public on positive things. They receive letters of complaint but it is nice to get a volume of letters that show the efforts that are made by the Town employees. All of our Town Departments work together. There were awards given this evening for Unity and this unity doesn't come from just one person. Unity means the group and he is very proud that in the 21 years of his serving the public, that this Town goes out of its way to provide assistance to our residents and he is proud to serve with all of our employees.

Councilwoman Kesner comments that this is really nice news. Normally in reading the newspaper you will find articles on all the problems that our communities have each and everyday. Tonight, for all the young people that are present, you can be very proud of your Town with all the good work coming forth from the employees and our citizens. October is the official month for Domestic Violence prevention. The community has really come out to help, working with our Police and Courts on more than 800 domestic violence calls. A Charities Board was officially formed and they sponsored their first fundraiser at Brierwood Country Club on October 8th and it was a beautiful affair. At the next Board meeting they are going to announce the amount that was raised and that money will go directly to the victims of domestic violence here in Hamburg. She thanks everyone who supported this and there is more to come. Approximately five years ago she introduced a program where they take time to recognize the volunteer firefighters in the Town that go above and beyond. There is a plaque out in the foyer and these people are chosen by their peers. They have chosen Robert L Paas a member of Scranton Fire Company and a Dog Warden and he really does a great job, on duty and off. They are very pleased to announce his name will be placed on the plaque.

Councilwoman Hochul comments that they will hold their annual fundraiser for the Light Up the Town Committee at the West End Hotel on November 17th to decorate the Town during holiday time. She then states that the Town Board is very proud of Councilwoman Kesner and how she has taken the issue of Domestic Violence to new heights in the Town, the awareness is incredible. She then asks the students to make sure and tell all their 18 year old friends to get out and vote. This is a privilege in our country that many people take for granted. She hopes everyone there becomes a participant in this privilege they call democracy.

Councilman Quatroche thanks Assemblyman Smith for the money that he got the Town for Foits. They have been working on this for quite a long time. Mr. Kapsiak has worked on this as well along with Councilwoman Kesner to look for opportunities for this. This money will strengthen our ability to do that. Being able to acquire that land will allow them to submit for more funding and he really believes that this will be a phenomenal project. Again, he wants to thank Assemblyman Smith for putting his money where his mouth is, he didn't need to do this on his way out and this is a gesture that people will enjoy for years to come. He wants to thank everyone for their efforts. The Town Recreation Department was recently notified that they are one of five winners nationwide in the Excellence in Youth Sports Award. There is going to be a presentation and they will bring that award home to be presented at a future Town Board meeting. Regardless of the season they had for golf, they actually exceeded their budget revenues. We are right on track and that is a testament to the Mr. Denecke and his staff. This year when looking at the budget they were only able to hold the line, as much as possible, because of the hard work of all the Department Heads.

Supervisor Hoak announces that this week is Red Ribbon Week and this is very important because 3 out of 4 people are affected by drug or alcohol use. Our Police Department is taking a proactive step with special units. He has received phone calls from parents concerned that they may lose their home because of drug activity through their children. This is how serious this has gotten, it has had an impact on our seniors because of break-ins and robberies. This Board is 100 percent behind doing the best they can. The impact that a drug problem has on a community will be addressed by this Town Board and stories will be coming out on arrests made as these months unfold. We are blessed to have one of the best Police Departments in New York State. He encourages the youth to participate in the community and be productive, they are the hope of our future.

Catherine Rybczynski, Town Clerks, comments that in conjunction with Domestic Violence Month on Thursday morning Hamburg Sunrise Rotary and the Hamburg Lions presented Judy Neiman, Domestic Violence Advocate, with a \$1,500 check that they raised at their chicken barbecue bring the total to \$3,000 that they have given the unit. She also wants to recognize Ron Bolendar, past district governor of the Hamburg Lions, he was the driving force behind the whole project. She also announces that she was at a dinner where Bob Reynolds was awarded with the citizenship award by the UAW for the many groups that he and his wife are involved in within the community. Congratulations to Bob.

Business From the Floor

Joe Kilian, United Council, questions the billboards that he has seen going up within the Town.

Supervisor Hoak comments that there are some going up and he can address questions to the Legal Department.

Councilwoman Hochul comments that Mr. Sorrentino, Town Attorney, is encouraging anyone who has questions to call him.

XV.

RESOLVED, that the Town Board adjourn to Executive Session at 8:15 p.m.

Moved: Hoak

Seconded: Kesner

Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche

Noes: None

Carried

Catherine Rybczynski, Town Clerk

Correspondence - October 25, 2004

93 - To Supervisor Hoak from the Town Clerk's Office, the monthly report for September 2004 with receipts totaling \$90,311.33.

94 - To Supervisor Hoak from U.S. Department of Housing and Urban Development stating that they have completed an audit covering Fiscal years ended December 31, 2002 and 2003 for Community Development Block Grant and Economic Development Initiative Programs and are sending congratulations on the fine job done by the Community Development staff.

95 - To John Farrell, Director of Senior Services, from Merri Earl, 124 Norwood Ave., stating that within the last year she moved to Hamburg and is delighted with the indoor pool available for her use. Commenting on Barb Scheffler's friendly manner and professional attitude. This attitude sets the atmosphere for the rest of the staff. Priscilla and Joe share Barb's positive attitude and sense of dedication.

96 - To Supervisor Hoak from Gregory Hartman, 6480 White Oak Way, expressing appreciation on the assistance that they received from Building Inspectors Tim and Kurt. Looking forward to the town park to be put in for the children. Thanking him for a job well done.

97 - To Town Supervisors from Dale Volker sending a press release from Senate Majority Leader Joseph Bruno indicating the Senate Majority's initiative to repeal legislation that enables the state to collect funds from traffic fines that were previously kept by local governments.

98 - To Supervisor Hoak from Congressman Jack Quinn thanking Supervisor Hoak for contacting him regarding the Federal Railroad Administration's effort to create quiet zones in communities with railway crossings through residential neighborhoods. Urging the Town to pursue federal and state appropriations as a possible source of funds.

99 - To the Town Board from Blasdel Volunteer Fire Company thanking them for their generous contribution to the annual firefighter's golf outing. They are grateful for the support provided by the Town Board for all their activities and appreciate everything they do for the firefighters.

100 - To Supervisor Hoak from Senator Dale Volker acknowledging receipt of the Town of Hamburg's adopted resolution opposing the recent changes involving the disposition of vehicle and traffic justice court fines. Stating he has co-sponsored legislation to reverse this retroactively to September 1, 2004.

101 - To the Town Board from MADD stating that during her participation in the Erie County Stop DWI Traffic Safety Fair a tragic accident occurred injuring several young people and two adults. Police Officer Vincent Pupo was calm, professional and took charge. She truly appreciated his kindness during that difficult moment. She also observed Police Officer Michael Springer doing his duties and calling Mercy Flight to be on standby. Stating that these two Officers conducted themselves in a manner that is respected by those who appreciate what they do each and every day to protect us.

102 - To the Town Board from the Town of Elma, a copy of a resolution they passed concerning the protection of farmland.

103 - To Supervisor Hoak from Gayle Ciraolo, 4839 Rogers Road submitting additional petitions with 217 signatures respectfully requesting that steps be undertaken as soon as possible to assemble a Diagnostic Team authorizing the establishment of Quiet Zones or another method that will lower the loudness of the train whistles at railroad crossings in the Town of Hamburg.

104 - To Supervisor Hoak from Doris Scott questioning how he feels in regards to breed specific legislation. She feels that it boils down to owner responsibility.

105 - To Catherine Rybczynski, Town Clerk, from Michael Kamery stating his dissatisfaction with Waste Management and the way they handle the big garbage pick-up.

Late Correspondence

105a - To Supervisor Hoak from Assemblyman Richard Smith stating that he is pleased to advise the Town that he was able to secure Community Capital Assistance Program grant funds in the amount of \$250,000.00. These funds are proposed to be dedicated to waterfront development at the old Foit's location.